

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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8 JUAN CARLOS RIVERA,)
9 Plaintiff(s),) 2:11-cv-001-RLH-RJJ
10 vs.) **ORDE**
11 CLARK COUNTY, NEVADA, *et al.*,)
12 Defendant(s).)

ORDER

14 Before this Court is the Report and Recommendation of United States Magistrate
15 Judge (#10, filed October 24, 2012), entered by the Honorable Robert J. Johnston, regarding Plain-
16 tiff's failure to comply with this Court's orders and failure to appear at a scheduled hearing. An
17 objection was filed to Magistrate Judge Johnston's Report and Recommendation of United States
18 Magistrate Judge in accordance with Local Rule IB 3-2 of the Rules of Practice of the United States
19 District Court for the District of Nevada (#11, filed October 29, 2012), and the matter was submitted
20 for consideration.

21 Plaintiff's objection neglects to explain why the amended complaint was filed a year
22 late. The only excuse provided is that he never received the notice of the status hearing at which he
23 failed to appear. A cursory review of the reason for his not receiving the notice shows that the
24 Plaintiff Rivera had failed to inform the Court of a change of address as required by Local Rule LSR
25 2-2, which states as follows:

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1 The plaintiff shall immediately file with the Court written notification of any change of
2 address. The notification must include proof of service upon each opposing party or
3 the party's attorney. Failure to comply with this Rule may result in dismissal of the
4 action with prejudice.

5 Only now does he advise the Court that his address has changed.

6 The Court has conducted a *de novo* review of this matter in accordance with 28 U.S.C.
7 §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report and Recommendation of
8 Magistrate Judge Johnston should NOT be accepted and adopted. Notwithstanding the fact that the
9 failure of the Plaintiff was caused by his own violations of the Local Rules and is not fully explained,
10 the Court will refer the matter back to the Magistrate Judge for a resetting of the status hearing to
11 provide the Plaintiff the opportunity to show cause why his case should not be dismissed with
12 prejudice.

13 IT IS SO ORDERED.

14 Dated: November 16, 2012.

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16 ROGER L. HUNT
17 U.S. District Judge

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